

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-2527

Frederick L. Pitchford,

Appellant,

v.

John E. Potter, Postmaster General,
U.S. Postal Service,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Arkansas.

[UNPUBLISHED]

Submitted: May 31, 2005

Filed: June 8, 2005

Before SMITH, FAGG, and MAGILL, Circuit Judges.

PER CURIAM.

Frederick L. Pitchford appeals following the district court's¹ orders dismissing his case under Federal Rule of Civil Procedure 41(b) and denying his motion for reconsideration. We affirm.

We lack jurisdiction to review the Rule 41(b) dismissal order, because the notice of appeal is untimely as to it. See United States v. Stute Co., 402 F.3d 820,

¹The Honorable Susan Webber Wright, Chief Judge, United States District Court for the Eastern District of Arkansas.

822 (8th Cir. 2005) (timely notice of appeal is mandatory and jurisdictional). We have jurisdiction to review the denial of Pitchford's motion to reconsider, and having carefully reviewed the record, we find no abuse of discretion in the denial of reconsideration. See Middleton v. McDonald, 388 F.3d 614, 616 (8th Cir. 2004) (standard of review).

Accordingly, we affirm. See 8th Cir. R. 47B.
